

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE J.P. JEANNERET ASSOCIATES, INC.,  
ET AL.

This Document Relates To:

SECURITIES ACTION

Master File No. 09-CV-3907 (CM)

ECF Case

**DECLARATION OF BARBARA J. HART IN OPPOSITION  
TO MOTIONS TO DISMISS**

I, BARBARA J. HART, hereby declare as follows:

1. I am a member of the Bar of this Court and a senior principal at the law firm of Lowey Dannenberg Cohen & Hart, P.C., counsel of record for Lead Plaintiff. I make this declaration on personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of letters to JPJA and other clients released to the press by Larry Simon in May 2010.

3. Attached hereto as Exhibit B is a true and correct copy of the December 16, 2008 press release, titled "Statement Regarding Madoff Investigation," which was made by Christopher Cox, then Chairman of the Securities and Exchange Committee.

4. Attached hereto as Exhibit C is a true and correct copy of the November 7, 2005 submission to the SEC by Harry Markopolos regarding Madoff and Bernard Madoff Investment Securities, LLC.

5. Attached hereto as Exhibit D is a true and correct copy of the *South Cherry Street, LLC v. Hennessie Group LLC, et al.* Amended Complaint, submitted to the Court on February 27, 2007.

6. Attached hereto as Exhibit E is a true and correct copy of the Adoption Agreement between Income-Plus Investment Fund and J.P. Jeanneret, dated September 28, 2000, acknowledging receipt of Income Plus Offering Memorandum and Declaration of Group Trust.

7. Attached hereto as Exhibit F is a true and correct copy of the Local 73 Retirement Fund Discretionary Management Investment Advisor agreement dated September 17, 1999.

8. Attached hereto as Exhibit G is a true and correct copy of the transcript from hearing dated June 15, 2010 in *In re Beacon Associates Litigation*, No. 09cv777 (S.D.N.Y.) (Sand, J.).

9. Attached hereto as Exhibit H is a true and correct copy of the Amicus Curiae brief dated April 7, 2010 and filed in *CMMF, LLC v. J.P. Morgan Inv. Mgmt., Inc.*, Index No. 601924/09 (Sup. Ct. N.Y. Cty).

10. Attached hereto as Exhibit I is a true and correct copy of the decision by the Honorable Richard B. Lowe III, of the Supreme Court of the State of New York, New York County, in the *People of the State of New York by Andrew M. Cuomo v. J. Ezra Merkin and Gabriel Capital Corp.*, entered on February 8, 2010.

11. Attached hereto as Exhibit J is a true and correct copy of the *Baker v. Andover Associates Management Corp., et al.* Complaint, submitted to the Supreme Court of the State of New York, County of Westchester, on March 30, 2009.

12. Attached hereto as Exhibit K is a true and correct copy of the Report of Independent Accountants issued to Plumbers & Steamfitters Local 73 Retirement Fund by Margolin, Winer & Evens for the year ended December 31, 2003.

13. Attached hereto as Exhibit L is a true and correct copy of the Report of Independent Accountants issued to Plumbers & Steamfitters Local 73 Retirement Fund by Margolin, Winer & Evens for the year ended December 31, 2006.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 23rd day of July, 2010 in White Plains, New York.



BARBARA J. HART